



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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August 18, 2016

Cashland Pawn
c/o Crystal Miller
City Neon, Inc.
PO Box 40
Morgantown, WV 26507

**RE: V16-28 / Cashland Pawn / 530 Brockway Avenue
Tax Map 29, Parcels 289, 289.1, 290 and 291**

Dear Ms Miller,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1369 as it relates to signage at 530 Brockway Avenue.

The decision is as follows:

Board of Zoning Appeals, August 17, 2016:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted an eight (8) square foot variance from the maximum wall sign area standard without conditions.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless you can demonstrate that it has been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that sign and building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact

V16-28 / Cashland Pawn / 530 Brockway Avenue

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The proposed sign will not impair adequate light or air to adjacent properties. It will not increase the hazard from fire or other dangers to said property or adjacent properties. It will not diminish or impair property values within the neighborhood. It will not create a nuisance. It will not result in an increase in public expenditures.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The building is located in a narrow section of Brockway Avenue in which a sign on either side of the building as well as the store front could better help customers to find the location. The former tenant of this building owned a business that was geared to a predominantly female interest. Whereas, the new business is geared more to a male clientele. Many men would not readily identify this building. Advertising and signage becomes crucial to bringing in business.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

It will allow the business to repurpose a portion of an existing sign without a large investment in new signage or structural change to the property.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

It will help create revenue in the area without harming the public health, safety or welfare, or the rights of adjacent property owners.